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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

December 8, 2011

Robert C. Banyard
North Ave Mid-Block Grocery
3913 W. North Ave.
Milwaukee, WI 53210


Dear Mr. Banyard:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, December 20, 2011, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew your Food Dealer Retail license for the premises at 3913 W. North Ave. ("North Ave Mid-Block Grocery").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending to not renew your Food Dealer Retail license based upon your second nonappearance. The recommendation is the result of a public hearing before the Committee held on Monday, December 5, 2011.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew your license based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, December 15, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,


RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: December 8, 2011

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal application of Robert C. Banyard for a Food Dealer Retail License for the premises located at 3913 West North Avenue ("North Ave Mid-Block Grocery").

FINDINGS OF FACT

1. Robert C. Banyard (hereinafter the "Licensee") is the holder of a Food Dealer Retail License for the premises located at 3913 West North Avenue ("North Ave Mid-Block Grocery") in the City and County of Milwaukee, Wisconsin.
2. An application to renew said license was filed with the Health Department on October 3, 2011.
3. An objection was filed by Alderman Willie L. Hines, Jr., 15th Aldermanic District, pursuant to the provisions of Chapter 68 of the Milwaukee Code of Ordinances that the proposed operation of the premises creates a public nuisance and contributes to neighborhood incidents and conditions identified in Chapter 68 of the Milwaukee Code of Ordinances.
4. On November 22, 2011, the City Clerk's Office provided notice to the licensee of police reports, neighborhood and aldermanic objections that could form the basis of nonrenewal or suspension of this licensee. On December 5, 2011, at 10:30 a.m. the Licenses Committee met at City Hall for a hearing to consider the licensee's renewal application. The licensee did not appear and was not represented by counsel. This was the licensee's second nonappearance.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. A notice of the hearing, as well as a copy of the police report, was sent to Robert C. Banyard at 3913 West North Avenue, Milwaukee, Wisconsin 53208 on November 22, 2011 by U.S. prepaid first-class mail in an envelope bearing the return address

of the License Division. The address of 3913 West North Avenue, Milwaukee, Wisconsin 53208 is the address given by the Licensee on his application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on December 5, 2011. This was the licensee's second notice.

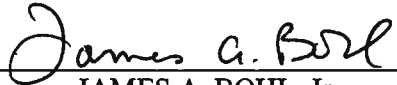
CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 68 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the licensee, Robert C. Banyard, has not met the criteria of Chapter 68 of the Milwaukee Code of Ordinances to allow the issuance of a Food Dealer Retail License based upon his nonappearance on two occasions.
3. In order to protect the health, safety, and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to not renew the Food Dealer Retail License to Robert C. Banyard for the premises located at 3913 West North Avenue ("North Ave Mid-Block Grocery").

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes, recommends that the Food Dealer Retail License renewal application of Robert C. Banyard for the premises at 3913 West North Avenue ("North Ave Mid-Block Grocery") be denied based upon a second nonappearance.

Dated and signed at Milwaukee, Wisconsin this 8th day of December, 2011.


JAMES A. BOHL, Jr.
Chair, Licenses Committee

110859



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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

December 8, 2011

Jose A. Lainez-Cabrera
2100 W. Pierce St., #201
Milwaukee, WI 53204

Dear Mr. Lainez- Cabrera:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, December 20, 2011, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew your Class "D" Bartender's license.

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of your license with a ten (10) day suspension based upon the police report. The recommendation is the result of a public hearing before the Committee held on Monday, December 5, 2011.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew your license based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, December 15, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: December 8, 2011

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Jose A. Lainez-Cabrera

FINDINGS OF FACT

1. Jose A. Lainez-Cabrera (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license will expire at midnight, December 31, 2011.
2. An application to renew said license was filed with the Office of the City Clerk on November 10, 2011.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On November 11, 2011, the Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On November 22, 2011 the City Clerk's Office provided timely notice to the licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included, therewith, a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on December 5, 2011, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time, and place, the licensee appeared and was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On July 7, 2011, the applicant was convicted in Waukesha County for operating while intoxicated (2nd offense). The Wisconsin Department of Transportation revoked the applicant's driver's license for 14 months plus 20 days. The applicant was found guilty of operating while intoxicated (2nd) and found guilty on July 7, 2011 and fined and sentenced to 20 days in jail.

CONCLUSIONS OF LAW

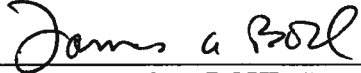
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law, and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the licensee, Jose A. Lainez-Cabrera, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license without undergoing a ten (10) day suspension based upon the police report.
3. In order to protect the health, safety, and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to renew the Class "D" Bartender license held by Jose A. Lainez-Cabrera with a ten (10) day suspension based upon the police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes, recommends that the Class "D" Bartender License be renewed with a ten (10) day suspension based upon the police report.

Said suspension is to be in effect from January 1, 2012 and for ten days thereafter.

Dated and signed at Milwaukee, Wisconsin this 8th day of December, 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee

110859



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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

December 8, 2011

Nolan J. McKenzie
4490 N. Oakland Ave.
Shorewood, WI 53211

Dear Mr. McKenzie:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, December 20, 2011, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew your Class "D" Bartender's license.

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of your license with a ten (10) day suspension based upon the police report. The recommendation is the result of a public hearing before the Committee held on Monday, December 5, 2011.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew your license based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, December 15, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: December 8, 2011

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Nolan J. McKenzie

FINDINGS OF FACT

1. Nolan J. McKenzie (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license will expire at midnight, December 31, 2011.
2. An application to renew said license was filed with the Office of the City Clerk on November 10, 2011.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On November 11, 2011, the Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On November 22, 2011, the City Clerk's Office provided timely notice to the licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on December 5, 2011, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time, and place, the licensee appeared and was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On February 25, 2011 the applicant was convicted in Winnebago County for operating while intoxicated (2nd offense). The Wisconsin Department of Transportation revoked the applicant's driver's license for 14 months plus 10 days. The applicant was found guilty of operating while intoxicated (2nd) and found guilty on February 25, 2011 and fined and sentenced to 10 days in jail.

CONCLUSIONS OF LAW

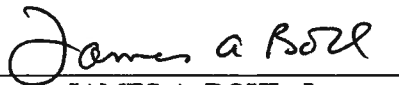
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the licensee, Nolan J. McKenzie, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license without undergoing a ten (10) day suspension based upon the police report.
3. In order to protect the health, safety, and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to renew the Class "D" Bartender license held by Nolan J. McKenzie with a ten (10) day suspension based upon the police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes, recommends that the Class "D" Bartender License be renewed with a ten day suspension based upon the police report.

Said suspension is to be in effect from January 1, 2012 and for ten days thereafter.

Dated and signed at Milwaukee, Wisconsin this 8th day of December, 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee

110859



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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

December 8, 2011

Irvine W. Palmer, Jr.
1226 N. 21st St.
Milwaukee, WI 53205

Dear Mr. Palmer, Jr.:

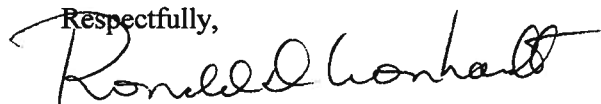
You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, December 20, 2011, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew your Class "D" Bartender's license.

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of your license with a ten (10) day suspension based upon the police report. The recommendation is the result of a public hearing before the Committee held on Monday, December 5, 2011.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew your license based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, December 15, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,



RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: December 8, 2011

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Irvine W. Palmer, Jr.

FINDINGS OF FACT

1. Irvine W. Palmer, Jr. (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license will expire at midnight, December 31, 2011.
2. An application to renew said license was filed with the Office of the City Clerk on October 25, 2011.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On October 25, 2011, the Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On November 22, 2011 the City Clerk's Office provided timely notice to the licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included, therewith, a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on December 5, 2011, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time, and place, the licensee appeared and was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On April 20, 2010, the applicant was charged with possession of marijuana in Milwaukee County and found guilty on August 6, 2010 and fined.
 - B. On July 21, 2010, the applicant was issued a citation for possession of marijuana at 2625 West Juneau. The applicant

was found guilty of this citation and fined \$270.00 on January 21, 2011.

- C. On October 21, 2010, the applicant was convicted of implied consent and his license was revoked for one year.
- D. On February 10, 2011, the applicant was convicted of operating while intoxicated in Milwaukee County and his license was revoked for nine months.

CONCLUSIONS OF LAW

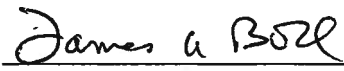
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the licensee, Irvine W. Palmer, Jr., has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license without undergoing a ten (10) day suspension based upon the police report.
3. In order to protect the health, safety, and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to renew the Class "D" Bartender license held by Irvine W. Palmer with a ten (10) day suspension based upon the police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes, recommends that the Class "D" Bartender License be renewed with a ten (10) day suspension based upon the police report.

Said suspension is to be in effect from January 1, 2012 and for ten days thereafter.

Dated and signed at Milwaukee, Wisconsin this 8th day of December, 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee

110859



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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

December 8, 2011

Ralph E. Rogers
2147 S. Winchester St., #312
Milwaukee, WI 53207

Dear Mr. Rogers:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, December 20, 2011, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew your Class "D" Bartender's license.

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of your license with a ten (10) day suspension based upon the police report. The recommendation is the result of a public hearing before the Committee held on Monday, December 5, 2011.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew your license based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, December 15, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: December 8, 2011

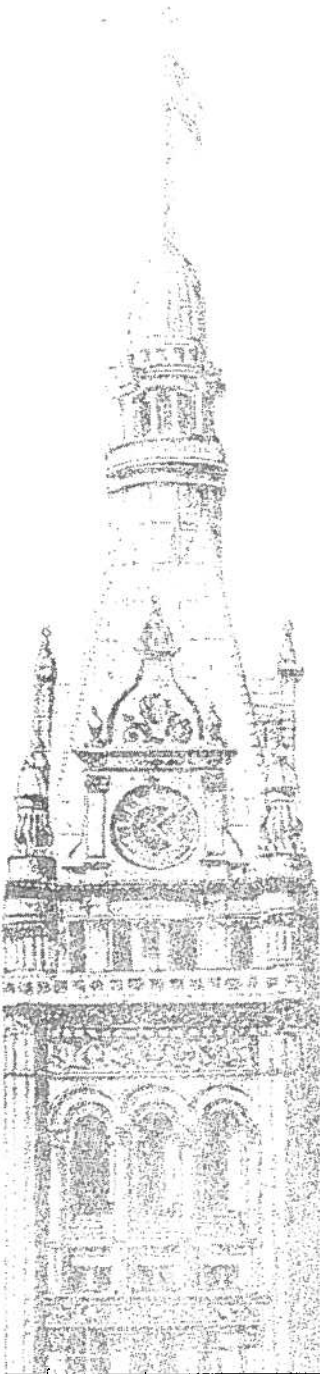
To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Ralph E. Rogers

FINDINGS OF FACT

1. Ralph E. Rogers (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license will expire at midnight, December 31, 2011.
2. An application to renew said license was filed with the Office of the City Clerk on October 25, 2011.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On October 25, 2011, the Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On November 22, 2011, the City Clerk's Office provided timely notice to the licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included, therewith, a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on December 5, 2011, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time, and place, the licensee appeared and was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On December 19, 2010, the applicant was charged with possession of marijuana in Milwaukee County and found guilty on June 15, 2011 and fined.



- B. On January 18, 2011, the applicant was convicted of implied consent in Milwaukee County. His license was revoked for one year.
- C. On March 10, 2011, the applicant was convicted of operating while intoxicated in Milwaukee and his license was revoked for six months.

CONCLUSIONS OF LAW

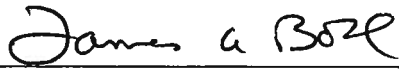
- 1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
- 2. Based on the above facts found, the Committee concludes that the licensee, Ralph E. Rogers, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license without undergoing a ten (10) day suspension based upon the police report.
- 3. In order to protect the health, safety, and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to renew the Class "D" Bartender license held by Ralph E. Rogers with a ten (10) day suspension based upon the police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes, recommends that the Class "D" Bartender License be renewed with a ten day suspension based upon the police report.

Said suspension is to be in effect from January 1, 2012 and for ten days thereafter.

Dated and signed at Milwaukee, Wisconsin this 8th day of December, 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee

110859



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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

December 8, 2011

Samantha M. Sobczak
2266 E. Montana Ave.
Oak Creek, WI 53154

Dear Ms. Sobczak:

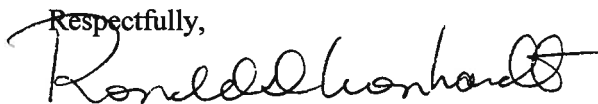
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Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of your license with a ten (10) day suspension based upon the police report. The recommendation is the result of a public hearing before the Committee held on Monday, December 5, 2011.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew your license based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, December 15, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,



RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: December 8, 2011

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Samantha M. Sobczak

FINDINGS OF FACT

1. Samantha M. Sobczak (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license will expire at midnight, December 31, 2011.
2. An application to renew said license was filed with the Office of the City Clerk on October 27, 2011.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On October 28, 2011, the Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On November 22, 2011, the City Clerk's Office provided timely notice to the licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included, therewith, a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on December 5, 2011, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time, and place, the licensee appeared and was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On May 6, 2010, the Wisconsin Department of Transportation revoked the applicant's driver's license for eight months for operating while intoxicated.

B. On September 8, 2011, the Wisconsin Department of Transportation revoked the applicant's driver's license for one year plus 40 days for operating while intoxicated.

CONCLUSIONS OF LAW

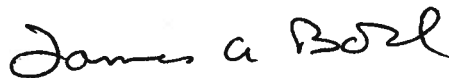
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the licensee, Samantha M. Sobczak, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license without undergoing a ten (10) day suspension based upon the police report.
3. In order to protect the health, safety, and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to renew the Class "D" Bartender license held by Samantha M. Sobczak with a ten (10) day suspension based upon the police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (4) ayes and one (1) no, recommends that the Class "D" Bartender License be renewed with a ten (10) day suspension based upon the police report.

Said suspension is to be in effect from January 1, 2012 and for ten days thereafter.

Dated and signed at Milwaukee, Wisconsin this 8th day of December, 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee

110859



www.milwaukee.gov

Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

December 8, 2011

Joel M. Vallejos
1125 Cleveland Ave.
Racine, WI 53405

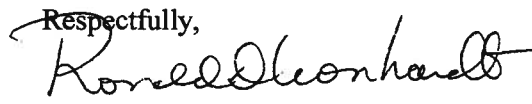
Dear Mr. Vallejos:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, December 20, 2011, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew your Class "D" Bartender's license.

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending to not renew your license based upon your second nonappearance. The recommendation is the result of a public hearing before the Committee held on Monday, December 5, 2011.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew your license based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, December 15, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: December 8, 2011

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Joel M. Vallejos

FINDINGS OF FACT

1. Joel M. Vallejos (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license will expire at midnight, December 31, 2011.
2. An application to renew said license was filed with the Office of the City Clerk on September 30, 2011.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On October 1, 2011, the Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On November 22, 2011, the City Clerk's Office provided timely notice to the licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included, therewith, a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on December 5, 2011, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time, and place, the licensee did not appear and this was his second nonappearance.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. A notice of the hearing as well as a copy of the police report was sent to Joel M. Vallejos at 1125 Cleveland Avenue, Racine, Wisconsin 53405 on November 22, 2011 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 1125 Cleveland Avenue,

Racine, Wisconsin 53405 is the address given by the licensee on his application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on December 5, 2011.

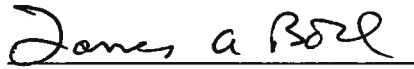
CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the licensee, Joel M. Vallejos, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license based upon nonappearance.
3. In order to protect the health, safety, and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to not renew the Class "D" Bartender license held by Joel M. Vallejos based upon nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes, recommends that the Class "D" Bartender License not be renewed based upon nonappearance. This was the licensee's second nonappearance.

Dated and signed at Milwaukee, Wisconsin this 8th day of December, 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee

110859



www.milwaukee.gov

Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

December 8, 2011

Muwafaq M. Abuawwad, Agt.
T & S Group LLC
9950 S. Jennifer Ln.
Oak Creek, WI 53154

Attys. Franklyn M. Gimbel and Steven McGaver
Gimbel, Reilly, Guerin & Brown LLP
330 E. Kilbourn Ave., #1170
Milwaukee, WI 53202-3146

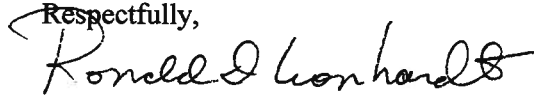
Dear Mr. Abuawwad, Atty. Gimbel, and Atty. McGaver:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, December 20, 2011, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew the Precious Metal and Gem Dealer's license for the premises at 1577 W. Greenfield Ave. ("Sam's Discount").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending to not renew the Precious Metal and Gem Dealer's license based upon the police report, police and applicant testimony, and video evidence. The recommendation is the result of a public hearing before the Committee held on Monday, December 5, 2011.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew the license based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, December 15, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: December 8, 2011

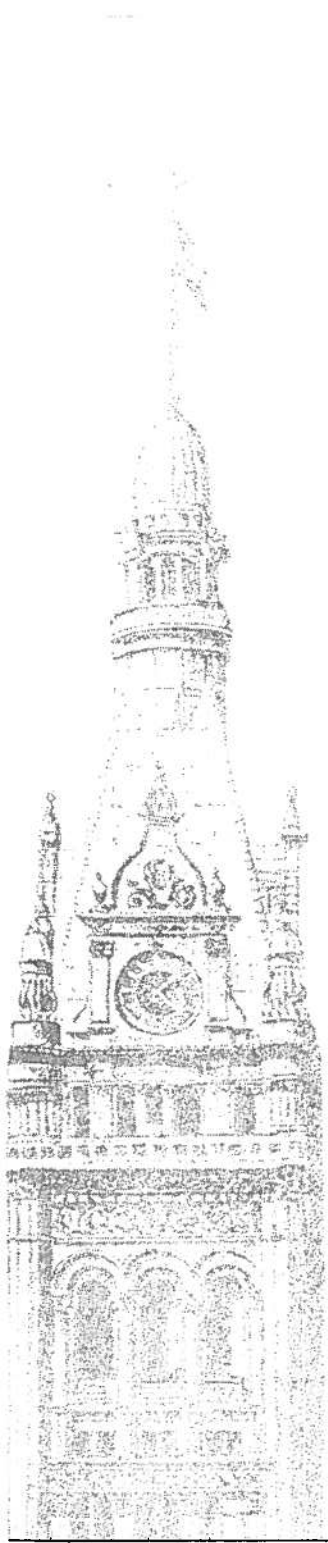
To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report on the renewal application of Muwafaq M. Abuawwad, Agent for T & S Group, LLC, for a Precious Metal and Gem Dealer's license for the premises located at 1577 West Greenfield Avenue, Milwaukee, Wisconsin ("Sam's Discount").

FINDINGS OF FACT

1. T & S Group, LLC (hereinafter the "Licensee") is the holder of a Precious Metal and Gem Dealer's license for "Sam's Discount," doing business at 1577 West Greenfield Avenue, Milwaukee, Wisconsin. Said license will expire at midnight, December 31, 2011.
2. An application to renew this license was filed on October 17, 2011.
3. Pursuant to Chapter 92-10 of the Milwaukee Code of Ordinances the matter was referred to the Milwaukee Police Department for investigation. On October 22, 2011, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license and Sworn Charges by the Chief of Police for Non-Renewal of License dated October 31, 2011.
4. On November 23, 2011, the City Clerk's Office provided notice to the licensee pursuant to Chapter 92-10 of the Milwaukee Code of Ordinances on the report of the Milwaukee Police Department and included, therewith, a copy of the Milwaukee Police Department report and the Sworn Charges by the Chief of Police for Non-Renewal of License. The matter was scheduled for a hearing on the Police Department report on December 5, 2011 commencing at 2:30 p.m. in Room 301B of City Hall. At said date, time, and place, the licensee did appear and was represented by Attorneys Franklyn Gimbel and Steven McGaver.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:



- A. On March 23, 2010, applicant received a citation for Secondhand Dealer License Required on 1577 West Greenfield Avenue. He was found guilty on May 11, 2010 and fined \$170.00. This was previously reported but the conviction status was updated on 10/22/11.
- B. Through the investigations of burglaries in Police District 2, officers knew that Sam's Discount located at 1577 West Greenfield Avenue in the City and County of Milwaukee has a Precious Metal and Gem Dealer's license and routinely purchases gold from the public, and has been doing so since at least 2009.

During the week of March 13, 2011, police found that Sam's Discount was not properly entering gold purchases into the NEWPRS computer system as required by City Ordinance 92-13. NEWPRS showed that Sam's Discount hadn't made a NEWPRS entry since February 11, 2011.

On Wednesday, March 16, 2011, undercover officers sold gold to Alaadeddin Abuawwad, who is the manager of this business, and has been since at least 2009. This transaction was captured on video camera and placed on Milwaukee Police Department inventory. Undercover officers received \$325 for the gold that was sold to Abuawwad and the money was placed on police inventory. On March 17, 2011, the transaction that had been completed by the undercover officer was still not in the NEWPRS system, thus violating the ordinance again.

On Monday, March 21, 2011, officers again checked NEWPRS for the transaction that took place on the 16th and found there was no entry made. At approximately 0930 hrs, police went to Sam's Discount to confront Abuawwad about this event. Once on scene, Abuawwad was asked by officers if he had been buying gold. Abuawwad stated that he was buying gold but it (business) was slow. Police asked why he hasn't been entering transactions into the NEWPRS and Abuawwad stated that he had been gone on vacation for the last three weeks. When asked by officers when did he get back from vacation, Abuawwad stated he returned yesterday. (Sunday March 20, 2011) Knowing that the statement was false, police asked Abuawwad if he was having computer problems to which he stated no that things were working just fine. Abuawwad further stated that he had an employee that was doing all the entering but that she left for Florida, and he was waiting to hire another employee to do the entering. He was advised that this was not allowed under the City of Milwaukee ordinance and then was asked by police to provide all gold sale transactions within the last 30 days and all the records for them. Abuawwad then handed over three piles of purchased gold and the paperwork that went with them.

While searching through all three piles of gold and paperwork, police found the following transactions that were not entered into NEWPRS for the following days:

02/12/11- 1 transaction
02/14/11- 1 transaction
02/15/11- 1 transaction
02/16/11- 2 transactions
02/17/11- 4 transactions
02/18/11- 3 transactions
02/19/11- 4 transactions
02/20/11- 3 transactions
02/21/11- 2 transactions
02/22/11- 4 transactions
02/23/11- 1 transaction
02/24/11- 1 transaction
02/25/11- 1 transaction
02/26/11- 1 transaction
02/27/11- 1 transaction
02/28/11- 2 transactions
03/01/11- 2 transactions
03/02/11- 2 transactions
03/03/11- 1 transaction
03/04/11- 4 transactions
03/06/11- 5 transactions
03/08/11- 2 transactions
03/09/11- 3 transactions
03/10/11- 2 transactions
03/11/11- 3 transactions
03/12/11- 2 transactions
03/13/11- 2 transactions
03/14/11- 4 transactions
03/15/11- 4 transactions
03/16/11- 7 transactions
03/17/11- 5 transactions
03/18/11- 6 transactions
03/19/11- 4 transactions
03/20/11- 4 transactions.

All of these transactions were all of the transactions for these days. Police also recovered the gold that the undercover officer had to sold to Abuawwad.

Also recovered were two pieces of gold, namely a ring and necklace, which were turned in by Earl Oliver. Officers knew Oliver because he had turned in \$750.00 worth of gold taken in a burglary to John's Jewelry on Historic Mitchell Street. That gold was recovered and returned to its owner because of the NEWPRS system and John's Jewelry's excellent record keeping. The ring and necklace were positively identified by the victim as being her jewelry and it was confiscated and returned to her on

Monday March 21, 2011. Abuawwad was issued a citation for obstructing the issuance of citation. The licensee, Muwafaq Abuawwad, was cited for every day there was a violation from above. Warnings were given for other days violations were found.

As to Muwafaq Abuawwad:

Charge: Junk Dealer-Transaction Reporting Required (34 citations)

Finding: Guilty on all citations

Sentence: Fined \$52.26 for each violation that is due by 11/28/11 (total of \$1,776.84)

Date: 09/26/11

Case: 11096846-79

- C. On July 11, 2011 and August 10, 2011, applicant received 42 citations for Precious Metal/Gems Dealer Regulations at 1577 West Greenfield Avenue.

Charges: Precious Metal/Gems Dealer Regulations (42 citations)

Finding: 10/31/11 Arraignment 8:30 am Branch 2

- D. At the committee hearing, Officer Jeffrey Thiele, Police District 2, testified as to his involvement and observations during police undercover investigations conducted at Sam's Discount for the following incidents:

On March 16, 2011, an undercover officer sold jewelry to Alaaddin Abuawwad at the store with expired identification.

On March 17, 2011, the transaction that took place on March 16, 2011 was not entered into the new NEWPRS computer system.

On March 21, 2011, the store failed to record numerous transactions with the NEWPRS computer system. Thirty five violation citations and one obstruction citation were issued.

At a trial on November 16, 2011, the licensee was found guilty on 35 violations from the citations issued on March 21, 2011.

On July 11, 2011, an undercover officer, who was inside Sam's Discount attempting to sell jewelry without identification, sold jewelry to a brother of the licensee without proper identification on the outside of the store. The brother, who bought the jewelry, exited from behind the counter of the store before he went outside to purchase the jewelry.

On a subsequent check on the premises, 34 baggies of gold were found unrecorded in the NEWPRS computer system at the store.

Video evidence was played for the committee pertaining to the July 11, 2011 incident on the police report. The video was consistent with the information provided in the police report and testimony.

E. Individuals appearing in support of the license were as follows:

Muwafaq Abuawwad testified that he is an agent for the licensee, T & S Group LLC, whose sole member and registered agent is his older brother, Taisir Suliman of Chicago Illinois. He further testified that Alaadin Abuawwad is another brother and not an employee of the business. Alaadin was put in charge in 2010 of Sam's Discount due to Muwafaq's involvement in another business operation of a convenience store. Alaadin was the person who did not properly record transactions into the NEWPRS system as noted in the police report. Muwafaq Abuawwad testified that he was not able to supervise the store since March 2011 due to sickness, health problems, and time devoted to rehab. Alaadin is currently not managing the store.

Ms. Fatima Jibawi testified that since late August 2011, she has taken over as the manager of the store to properly record transactions into the NEWPRS system. No new violations have been issued since her take over as manager.

Alaadin Abuawwad testified that in 2009, he worked in the store in the absence of Muwafaq, who was out of the country. Due to his back and forth travels from his home in Chicago and the store, he was not able to record jewelry transactions on the same day into NEWPRS. He was the one who did not record transactions properly in regards to the 35 citations noted in the police report that were issued. He did not tell Muwafaq of these citations and proceeded with his attorney, at the time, to resolve them. Ms. Jibawi is currently in charge of the store and has been since September 29, 2011. He is not employed but helps out with the operation of the store several hours a day. On the July 11, 2011 incident, he refused to buy the jewelry from the undercover cop due to lack of proper identification from the cop. Due to cultural respect, he let his older brother named Solomon, who was not an employee of the store, exit from behind the counter inside the store to the outside of the store with the undercover cop on the July 11th incident.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Section 92-10 of the Milwaukee Code of Ordinances.

2. Based upon the above facts found, the Committee concludes that the licensee, T & S Group, LLC has not met the criteria of Chapter 92-10 of the Milwaukee Code of Ordinances to allow the continued operation of the premises located at 1577 West Greenfield Avenue ("Sam's Discount").
3. In order to protect the health, safety, and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its discretion and judgment to not renew the Precious Metal and Gem Dealer's license held by the licensee for the premises located at 1577 West Greenfield Avenue ("Sam's Discount") based upon the police report, police and applicant testimony, and video evidence.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and zero (0) noes, recommends that the Precious Metal and Gem Dealer's license held by T & S Group, LLC not be renewed based upon the police report, police and applicant testimony, and video evidence.

Dated and signed at Milwaukee, Wisconsin this 8th day of December, 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee

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